

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TONY KOLE, et. al.,)	
)	Civil Case No: 1:11-cv-03871
Plaintiffs,)	
)	Hon. Charles R. Norgle, Sr.
v.)	U.S. District Judge
)	
VILLAGE OF NORRIDGE, et. al.,)	Hon. Morton Denlow
)	U.S. Magistrate Judge
Defendants.)	

PLAINTIFFS' MOTION TO ENLARGE TIME
AND FOR LEAVE TO FILE AN OVERSIZED MEMORANDUM
IN OPPOSITION TO THE OVERSIZED MEMORANDUM FILED
BY DEFENDANTS IN SUPPORT OF THEIR MOTION TO DISMISS

NOW COME Plaintiffs, TONY KOLE and GHOST INDUSTRIES, LLC, by and through their attorney, Walter P. Maksym, Jr., and request an extension of time to file their Response to Defendants' Motion to Dismiss Amended Complaint (Doc. 15) and leave to file an oversized Memorandum not to exceed the length this Court previously permitted Defendants leave to file, stating:

1. On September 27, 2011 Defendants filed their oversized, forty-three (43) page Memorandum (Doc. 15-1) in support of their Motion to Dismiss (Doc. 15).

2. On September 29, 2011 this Court entered a minute order (Doc. 17) granting Defendants' Motion for Leave to File their oversized brief, set October 21, 2011 for Plaintiffs to file their Response and November 21, 2011 for Defendants to reply.

3. Defendants' Motion for Leave to File Oversized Brief (Doc. 15, p. 1-2) filed in support of their Motion to Dismiss stated in support of their request for leave to file their oversized forty-three (43) page Memorandum:

1. Plaintiffs have filed an eighteen-count Amended Complaint challenging various actions of defendants in connection with plaintiffs' application for a license to operate a firearms sales business in the Village of Norridge.

2. Plaintiffs' Amended Complaint itself consists of 51 pages. It raises eighteen separate counts, alleging violations of nine constitutional provisions, four federal statutes, and making nine separate state law claims, seeking both injunctive relief and money damages against eleven defendants.

3. Defendants have filed a Motion to Dismiss, which addresses each of the plaintiffs' claims, including the very unsettled law on the extent to which plaintiffs have a Second Amendment right to operate a firearms sales business.

4. In addition, defendants' Motion to Dismiss raises absolute and qualified immunity, and state law statutory immunity.

5. Because of the length of the plaintiffs' Amended Complaint, the numerous issues and claims raised in that Amended Complaint, and the in-depth discussion and analysis needed to address those claims, particularly the unsettled Second Amendment issues, defendants need to file an oversized brief to adequately respond to the Amended Complaint.

4. Plaintiffs' undersigned counsel has expended substantial time, effort and research in the preparation of said Plaintiffs' Memorandum, however for the same reasons raised in Defendants' Motion for Leave to file an oversized brief, Plaintiff needs a concomitant number of pages to make an adequate response.

5. Also, for the foregoing reasons combined with pressing obligations and demands relating to his practice, the undersigned counsel, a sole-practitioner and the only attorney of record for Plaintiffs and knowledgeable with respect to this matter, needs an extension of time within to file an adequate Response.

6. Plaintiffs did not interpose any objection to Defendants' prior requests for an enlargement of time or their Defendants' Motion for Leave to File Oversized Brief (Doc. 15).

7. On October 19, 2011 the Plaintiffs undersigned counsel telephonic conference with Defendants' counsel, Thomas G. DiCianni, and advised him of his need to bring this motion. Mr. DiCianni indicated that that the Court could be advised that the undersigned counsel could advise this court that Defendants would interpose no objection to the request for extension of time made herein.

8. By reason of the foregoing good cause exists to grant leave for Plaintiffs to file an oversized Memorandum, which will assist this Court in its determination, along with an extension of time to do so.

9. Further, the grant of this Motion will work substantial justice and fairness between the parties by allowing Plaintiff an expanded page limitation equivalent to that previously granted the Defendants.

10. This Motion is made in good faith for purposes of necessity only and not for purposes of delay.

WHEREFORE, Plaintiff respectfully prays that this Court grant this Motion and enter an order:

A.) granting Plaintiffs an extension of twenty-one (21) days within which to file their Response to Defendants' Motion to Dismiss;

B.) extending the time within which Defendants may file their Reply to a date fourteen (14) days after the new due date for the filing of Plaintiffs' Response;

C.) granting Plaintiffs leave to file an oversized Memoranda not to exceed the forty-three (43) page length of Defendant's Memoranda previously allowed them; and

D.) granting Plaintiffs such other further relief as this Court may deem fair, just and proper in the premises.

Respectfully submitted,

TONY KOLE and GHOST INDUSTRIES, LLC,
Plaintiffs,

By /s/ Walter P. Maksym, Jr.
WALTER P. MAKSYM, JR., their attorney

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